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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Heino Wendelrup

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EXAMINER

RAMPURIA, SHARAD K

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,621

Applicant(s)

WENDEL RUP, HEINO

Examiner

Sharad Rampuria

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2617

DETAILED ACTION

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

II. The current office-action is in response to the remarks filed on 09/19/2006.

Accordingly, Claims 1-11 are pending for further examination as follows:

Claim Rejections - 35 USC § 102

III. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-11 are rejected under 35 U.S.C. 102 (e) as being anticipated by **Irvin** (WO 9944380 A1).

Art Unit: 2617

As per claim 1, **Irvin** teaches:

A module for controlling an electronic device (Abstract, 20; Fig.1, Pg.6; 11-17) comprising:

A device controller having a plurality of selectable operating modes, the operating modes defining respective sets of operating parameters for functions of the electronic device, (32; Fig.1, Pg.6; 17-Pg.7; 16)

A voice detection submodule (34; Fig.1, Pg.6; 17-Pg.7; 16) coupled to the device controller, the submodule comprising:

An input circuit for receiving a voice signal and converting the voice signal into an electrical signal; (34; Fig.1, Pg.6; 17-Pg.7; 16) and

A digital signal processor coupled to the input circuit; (54; Fig.1, Pg.7; 22-Pg.8; 8)

A multi-bus for conveying electrical signals; (connections between devices; Fig.1)

A device data storage coupled via the multi-bus to the voice detection sub-module and to the device controller, the device data storage adapted to store a library of voice tags of at least one user of the device; (24; Fig.1, Pg.9; 4-10)

Wherein the voice detection sub-module is operable to compare an input voice signal with the library of stored voice tags stored in the device data storage, (24c; Fig.2, Pg.9; 11-18)

Wherein the device controller is adapted to output a control signal to the electronic device on the basis of the comparison by the voice detection submodule, (Pg.9; 19-Pg.10; 16)

Wherein each operating mode of the electronic device has an associated library of stored voice tags for use by the voice detection sub-module when the operating mode concerned is selected; wherein the stored voice tags comprise profile data correlated to different operating

Art Unit: 2617

modes; whereupon the selection of a certain operating mode of the electronic device, the device controller is adapted-to transfer to the sub-module memory a subset of the reference voice tags from the library of stored reference voice tags in accordance with the operating mode selected (i.e. memory stored the different operational-profiles, which is tailored based upon user's profile; Pg.9; 19-Pg.10; 16).

As per claim 2, **Irvin** teaches:

A module for controlling an electronic device (32; Fig.1, Pg.6; 17-Pg.7; 16)

At least a device controller (32; Fig.1, Pg.6; 17-Pg.7; 16), a digital signal processor; (54; Fig.1, Pg.7; 22-Pg.8; 8) and a memory for storing a plurality of selectable operating modes, (24; Fig.1, Pg.9; 4-10) each operating modes defining a set of operating parameters for functions of the electronic device, (24c; Fig.2, Pg.9; 11-18)

The DSP having at least one voice activation function responsive to an input voice signal (34; Fig.1, Pg.6; 17-Pg.7; 16) and

The memory being adapted to store reference voice tags by at least one user of the device. (24c; Fig.2, Pg.9; 11-18)

Wherein the reference voice tags are stored in groups, each of which relates to a specific operating mode of the device. (i.e. memory stored the different operational-profiles, which is tailored based upon user's profile; Pg.9; 19-Pg.10; 16).

As per claim 3, **Irvin** teaches:

The module for controlling an electronic device according to claim 1 or 2, wherein the electronic device is a mobile telephone and having a voice activated dialing function for dialing called numbers in response to a voice input from a user, the groups of reference voice tags including references to intended called numbers. (i.e. memory stored the different operational-profiles, which is tailored based upon user's profile; Pg.9; 19-Pg.10; 16).

As per claim 4, **Irvin** teaches:

The module for controlling an electronic device according to claim 1 or 2, wherein the electronic device is a mobile telephone and being a mobile telephone, and wherein the reference voice signals relate to specific functions of the telephone. (i.e. memory stored the different operational-profiles, which is tailored based upon user's profile; Pg.9; 19-Pg.10; 16)

As per claim 5, **Irvin** teaches:

The module for controlling an electronic device according to claim 1 or 2, wherein the electronic device is a mobile telephone and, being a mobile telephone, wherein at least one operating mode is defined by at least one user of the telephone, the reference signal group associated with that operating mode also being defined by the user. (i.e. memory stored the different operational-profiles, which is tailored based upon user's profile; Pg.9; 19-Pg.10; 16)

As per claim 6, **Irvin** teaches:

Art Unit: 2617

A method of operating an electronic device (32; Fig.1, Pg.6; 17-Pg.7; 16) which has a plurality of operating modes for defining operating parameters of the device, and which has at least one voice activated function, (34; Fig.1, Pg.6; 17-Pg.7; 16)

Storing reference voice signals in groups; (24c; Fig.2, Pg.9; 11-18)

Associating the said groups with respective operating modes of the electronic device.
(24c; Fig.2, Pg.9; 11-18)

Using an associated group of reference signals for voice signal matching in a chosen operating mode, (i.e. memory stored the different operational-profiles, which is tailored based upon user's profile; Pg.9; 19-Pg.10; 16)

As per claim 7, **Irvin** teaches:

A method as claimed in claim 6, wherein the device is a mobile telephone. (20; Fig.1; Pg.12; 12-15, Pg.6; 11-17)

As per claim 8, **Irvin** teaches:

A method as claimed in claim 7, wherein each operating mode defines a respective list of voice references to potential dialed numbers, the voice references being compared with an input voice signal to determine the number to be dialed by the telephone. (Pg.10; 5-23)

As per claim 9, **Irvin** teaches:

The module for controlling an electronic device according to claim 1, further comprising the device data storage adapted to store a plurality of Libraries of voice tags, wherein each

Library comprises a plurality of voice tags associated with a plurality of operating modes of the electronic device. (i.e. memory stored the different operational-profiles, which is tailored based upon user's profile; Pg.9; 19-Pg.10; 16)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Irvin** in view of **Finke-Anlauff** [US 5479476].

As per claims 10-11, **Irvin** disclose all the particulars of the claim except at least one of the plurality of operating modes of the electronic device being selected from the group consisting of normal, meeting, in-car, outdoors, portable hands free, country time period and home. However, **Finke-Anlauff** teaches in an analogous art that the module for controlling an electronic device according to claim 9, further comprising at least one of the plurality of operating modes of the electronic device being selected from the group consisting of normal, meeting, in-car, outdoors, portable hands free, country time period and home. (Col.3; 57-Col.4; 12, Col.5; 3-67) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify **Irvin** including at least one of the plurality of operating modes of the electronic device being selected from the group consisting of normal, meeting, in-car, outdoors,

Art Unit: 2617

portable hands free, country time period and home in order to provide a mobile telephone has a plurality of user adjustable operating characteristics, such as the volume of an output signal, the ringing volume, and the generation of tones.

Response to Amendments & Arguments


IV. Applicant's arguments with respect to claims 1-11 has been fully considered but is moot in view of the new ground(s) of rejection.

Conclusion

V. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.


Sharad Rampuria
Patent Examiner
Art Unit 2617